SCF

FILED

08 FEB 22 AM 9:58

CLERK, U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

BY: DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff,	Mag. Case Number: '08 MJ 0522
v.	COMPLAINT FOR VIOLATION OF
David ZAYAS-Pina Defendant,	Title 21, U.S.C., Sections 952 and 960 Importation of a Controlled Substance

The undersigned complaint being duly sworn states:

On or about February 21, 2008, within the Southern District of California, David ZAYAS-Pina did knowingly and intentionally import approximately 11.25 kilograms of cocaine, a Schedule II Controlled Substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
SPECIAL AGENT
U.S. IMMIGRATION and
CUSTOMS ENFORCEMENT

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 22nd DAY OF FEBRUARY 2008.

MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, Special Agent Estela Clark, declare under penalty of perjury, the following is true and correct:

On February 21, 2008, at approximately 1115 hours, David ZAYAS-Pina entered the United States driving a black Ford Explorer bearing Mexican license plate BDZ1838 at the San Ysidro Port of Entry. Customs and Border Protection Officer (CBPO) E. Ongsioco was conducting pre-primary roving inspections when he contacted ZAYAS. CBPO Ongsioco asked ZAYAS a series of questions and believed that ZAYAS appeared to be unusually nervous. CBPO Ongsioco conducted a cursory inspection of the vehicle and noticed that the spare tire felt very solid when it was tapped. CBPO Ongsioco requested that Canine Enforcement Officer (CEO) R. Pagan screen the vehicle with his Narcotic Detector Dog (NDD). CEO Pagan screened the vehicle and informed CBPO Ongsioco that his NDD alerted to a narcotic odor emanating from the vehicle. CBPO Ongsioco referred the vehicle to the secondary inspection lot for further inspection. ZAYAS was escorted to the security office.

CBPO R. Vaught was assigned to conduct a secondary inspection of the black Ford Explorer. CBPO Vaught cut open the spare tire and discovered several packages hidden inside. CBPO Vaught selected a package at random and discovered a white powdery substance that field-tested positive for cocaine. A total of 10 packages weighing approximately 11.25 kilograms were eventually removed from the tire.

At approximately 1300 hours, U.S. Immigration and Customs Enforcement (ICE) Special Agents (SA) Estela Clark and Scott Lensky contacted ZAYAS and informed him he was under arrest. ZAYAS was read his rights, in the Spanish language, per Miranda, off of a pre-printed form by SA Clark as witnessed by SA Lensky. ZAYAS waived his rights both verbally and in writing and agreed to answer questions. During questioning ZAYAS stated that he was being paid $500 to deliver the narcotics to a pre-determined location in the U.S. but he believed it was marijuana not cocaine.

SA Chris Crawford